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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,558	03/31/2000	Alan H. Karp	10992073	9395

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FORT COLLINS, CO 80527-2400

EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/539,558

Applicant(s)

KARP ET AL. 

Examiner

Jonathan Ouellette

Art Unit

3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** (check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 21-49.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

  
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8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 2. NOTE: The applicant has added new claims to the application, which would require additional search and consideration (tracking personal behavior, information source does not belong to a common internet community, etc.), and therefore will not be entered. .

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant has made the argument that the Final rejection issued on 5/25/2004 was not valid because the amendment sent with the RCE raised new issues and would not have been properly finally rejected on the same grounds and art as the other claims. However, the amendment was properly finally rejected on the same grounds and art as the other claims, due to the fact that the amended language "designating, by the owner, an authorized information source to a trusted party, " and "contacting, by the trusted party, the authorized information source to obtain the personal information of the owner," are broadly phrased and could refer to the information owners themselves as an authorized information source, which is covered in the prior art disclosed by O'Neil.

Furthermore, as stated in the final office action, all claims were drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114.

The applicant has also made the argument that the prior fails to disclose or suggest wherein the information source may be any user of the Internet. However, O'Neil presentation of a community information exchange, would be an improvement over the claimed invention. O'Neil specifically describes the need for closed system "Community" on the Internet, as an improvement to an "open system", in order to increase the security and exchange of personal information (C1 L29-59). Furthermore, as explained in the final rejection, O'Neil does disclose that the system can be operated on the internet (Fig.1, C2 L8, C4 L25-30), and can be accessed by anyone on the Internet through the website address (C4 L25-40), wherein any Internet user may sign up to a E-Metro Community based on established rules and regulations (C5 L25-52, C22 L52-58) - which could be established to allow any user on the Internet who makes a request to use the system. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to simply allow anyone on the Internet to use the system (website) disclosed by O'Neil, as it would simply be a matter of removing security precautions (registration) - for the purpose of reducing system set-up and operational maintenance costs.

Finally, the Applicant also make the argument that there is a lack of motivation to combine the teachings of O'Neil with the knowledge of the examiner, because such a combination would change the principles of operation of the reference. However, the principle operation of the reference is the exchange of personal information and the security measures used to complete the operation are designed choices intended to make the operation more secure.